

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
2015 SEP -2 PM 2:20
CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____
DEPUTY _____ **AD**

**SONNY AINSWORTH, Individually and on
Behalf of All Others Similarly Situated,
Plaintiff,**

-vs-

Case No. A-15-CA-605-SS

**ROD'S PRODUCTION SERVICES, LLC,
Defendant.**

ORDER

BE IT REMEMBERED on this day the Court reviewed the file in the above-styled cause, specifically Plaintiff Sonny Ainsworth's Corrected First Amended Collective Action Complaint and Jury Demand [#54]. Having reviewed the pleadings, the relevant law, and the case file as a whole, the Court now enters the following opinion and orders.

In this Fair Labor Standards Act (FLSA) case, Plaintiff Sonny Ainsworth brings individual and collective claims against Defendant Rod's Production Services, LLC (RPS) for recovery of unpaid overtime compensation. At a hearing held on August 21, 2015, the Court learned a majority of RPS's welders live in the Northern District of Texas and a majority of Ainsworth's work in Texas has been performed in oil fields in Pleasanton, Odessa, and Bowie. *See* Aug. 28, 2015 Order [#52] at 10. Based on this information, the Court asked the parties to submit a letter brief within one week of the hearing explaining the case's connection to Austin or whether an alternative venue would be proper. In compliance with the Court's request, the parties have agreed to transfer this action to the Western District of Texas, San Antonio Division. *See* Ex. A to this Order.

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“For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.” 28 U.S.C. § 1404(a). “The district court has broad discretion in deciding whether to order a transfer.” *In re Volkswagen of Am., Inc.*, 454 F.3d 304, 311 (5th Cir. 2008) (citing *Caldwell v. Palmetto State Sav. Bank of S.C.*, 811 F.2d 916, 919 (5th Cir. 1987)). In deciding whether or not to transfer venue for the convenience of parties and witnesses and in the interest of justice, courts in the Fifth Circuit generally consider a number of private- and public-interest factors. See *In re Volkswagen AG*, 371 F.3d 201, 203 (5th Cir. 2004) (citations omitted). Here, the Court finds no discernible connection between the facts alleged in Ainsworth’s Amended Complaint and the Austin Division. Accordingly, because the parties agree venue is proper in the San Antonio Division, and because the private- and public-interest factors weigh in favor of such a transfer, this case is hereby TRANSFERRED to the Western District of Texas, San Antonio Division.

Accordingly,

IT IS ORDERED that the Clerk TRANSFER this case to the United States District Court for the Western District of Texas, San Antonio Division.

SIGNED this the 2nd day of September 2015.



SAM SPARKS
UNITED STATES DISTRICT JUDGE

McAFEE & TAFT

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FAX MESSAGE

TO: The Honorable Judge Sam Sparks **FAX NO.:** (512) 916-5500
FROM: Sam F. Fulkerson
RE: *Ainsworth v. Rod's
Production Services, LLC;*
DATE: August 28, 2015 *Case No. CIV-15-605*

MESSAGE:

Please see attached.

- Sam Fulkerson

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August 28, 2015

VIA FACSIMILE (512) 916-5500

The Honorable Judge Sam Sparks
501 W. 5th St., Ste. 4120
Austin, TX 78701

Re: *Ainsworth v. Rod's Production Services, LLC*; Case No. CIV-15-605; Letter Requesting Transfer

Dear Judge Sparks:

As you ordered at the August 14, 2015, hearing, the parties have met and conferred regarding a transfer of *Ainsworth v. RPS*. The parties have agreed to a transfer to the Western District of Texas, San Antonio Division. We respectfully request that you transfer the case to the San Antonio Division. Should you have any questions, please do not hesitate to contact us.

Respectfully,

/s/ Sam R. Fulkerson

Sam R. Fulkerson

/s/ Galvin B. Kennedy

Galvin B. Kennedy